

COMMITTEE	DATE	CLASSIFICATION	REPORT NO	AGENDA ITEM NO
Cabinet	29 July 2009	Unrestricted		
REPORT OF Head of Trading Standards & Environmental Health (Commercial) Colin Perrins (Originating Officer) David Tolley – Environmental Health (Commercial) Service Manager		TITLE Food Law Enforcement Service Plan 2009/2010 Ward(s) affected All		

1. SUMMARY

- 1.1 This report sets out the Council's ninth annual plan for effective enforcement of food safety legislation. The aim of the plan is to ensure that food is produced and sold under hygienic conditions, is without risk to health and is of the quality expected by consumers.
- 1.2 The Food Standards Agency requires local authorities to have in place a Food Law Enforcement Service Plan. The plan will form a significant part of the standard against which local authorities will be audited by the Agency to assess their effectiveness in ensuring food safety.
- 1.3 Accordingly the Cabinet is requested to consider the Food Law Enforcement Service Plan 2009/10 and make recommendations as appropriate and adopt this plan.

2. RECOMMENDATION

- 2.1 Cabinet is recommended to approve the Tower Hamlets Food Law Enforcement Plan 2009/2010 attached at Appendix 1 to the report.

3. BACKGROUND

- 3.1 The Food Standards Agency (FSA) is a non-ministerial government department, which came into existence on 3 April 2000 with the aim of protecting the interests of consumers. One of the key roles of the Agency is to oversee Local Authority enforcement activities in respect of food safety. The Food Standards Act 1999 empowers the Agency to monitor and audit local authorities.
- 3.2 Given the importance of the service plan, particularly in the context of the local authority monitoring and audit role of the FSA, it was recognised that central guidance on the content of the service plan for food law enforcement would be helpful. The Agency therefore issued a template for a service plan, as part of its Framework Agreement on Local Authority Food Law Enforcement, in September 2000 (revised 2008) and recommended the adoption of the model.
- 3.3 Tower Hamlets' commercial profile incorporates shops, offices, hotels, pubs, restaurants and cafes, schools, markets, food manufacturers and processors, university colleges, halls of residence, hospitals, poultry slaughterhouses, public entertainment venues and tourist attractions.
- 3.4 The Environmental Health (Commercial) service has responsibility for food hygiene, food standards, health and safety and public health issues in respect to premises in the Borough. In short they make an important contribution to protecting the well being of Tower Hamlets' residents and visitors.
- 3.5 The service review and reorganisation have produced increased stability and performance. The programme of activity proposed in the plan will fulfil the Borough's statutory obligations and help minimise food related illness in the Borough.

4 NEW ISSUES FOR 2009/10

- 4.1 The landscape for food safety will change significantly this year. Monitoring of our food safety service is carried out by the FSA. The method of performance assessment has changed and our performance will as the percentage of premises that we have that are broadly compliant.
- 4.2 The Food Team are now responsible for performance to National Indicator – NI184, which measures food establishments in the Borough which are broadly compliant with food hygiene law. We currently have 74.4% of food premises broadly compliant an increase from 57% last year.

- 4.3 A range of interventions has been developed aimed at increasing and sustaining this compliance rate. Performance improvement is hampered by the high turnover rate of food businesses in the Borough and the age of the commercial stock.
- 4.4 We have received funding from the Healthier Cities fund and also from the Primary Care Trust Obesity Strategy to devise and implement a Food for Health Award. This award will encourage caterers/restaurants to sell healthier food so enabling residents, visitors and workers to have healthier food choices within the Borough.
- 4.5 A national “Scores on the Doors” scheme is likely to be announced by the FSA at the end of the year. This scheme will allow Local Authorities to publish a food premises risk rating in line with national criteria. We will report back with recommendations when the national scheme is announced.
- 4.6 The Food Team also contribute to National Indicator 182 – Satisfaction of businesses with local authority regulation services. We have developed mechanisms to measure our interaction with businesses that we come into contact with.
- 4.7 A review by central government (Rogers Review) into priorities for environmental health and trading standards within local government placed food safety/standards and health and safety within the top 5 priorities.
- 4.8 Following on from the Hampton review into local regulation we have reviewed our services to determine if the inspection burden can be lifted on local businesses but ensuring that risks are controlled to ensure public health is not at risk. We have done this where the risk rating indicates that the business is broadly compliant. This has enabled us to work with those businesses that are not broadly compliant, whilst still maintaining contact with those premises that are broadly compliant.
- 4.9 During the forward programme of this report questions have been raised about Halal meat. There are concerns about the lack of control of slaughter and production. The Government’s Meat Hygiene Service has responsibility for the slaughter and quality of meat. Their remit however does not extend to religious issues relating to slaughter. There are two competing Halal meat accreditation organisations that accredit slaughter houses. There is a conflict between these organisations in their interpretation of Halal slaughter. The lack of control means that there could be some doubt about the description of Halal meat. The issues that have been raised have been assessed and a work stream will be added to this year’s plan to campaign for greater controls. We will approach other local authorities with significant Muslim population with a view to lobbying the Food Standards Agency and the Department of Environment, Food and Rural Affairs (DEFRA) to introduce new controls.

5 THE PLAN

- 5.1 The Tower Hamlets Food Law Enforcement Service Plan is based on the recommended FSA template and is attached to this report **(Appendix 1)**. It outlines the action the Council will take to ensure food safety. The Plan incorporates the Council's objectives as set out in the Community Plan and the Trading Standards & Environmental Health (Commercial) Service Plan. In particular it impacts on the quality of life in Tower Hamlets and the health of residents and visitors. It helps to ensure that businesses maintain high standards. The plan advocates and commits the Environmental Health Commercial Team to continuous improvement, specifically making reference to meeting Best Value criteria. The standard format of the plan will facilitate comparisons with other authorities.
- 5.2 The Food Law Enforcement Service Plan incorporates the Trading Standards & Environmental Health (Commercial) services' positive commitment in valuing diversity.
- 5.3 The plan is split between reactive and proactive work. Reactive work includes consumer complaints and requests for advice or information, not least from the business community, residents, employees in the Borough and tourists. Proactive work comprises mainly the achievement of routine inspection targets. Tower Hamlets has 2,469 food premises, requiring inspection. The frequency of such inspections is determined by a nationally agreed risk based inspection rating scheme..
- 5.4 Last year the Food Safety team achieved 96.5% of all food hygiene interventions due. The inspection rate for highest risk premises was 100%. This should place the authority in the top quartile of local authorities.
- 5.5 The plan also covers the wider remit of food safety work including complaints and enquiries, sampling, food hazard warnings, outbreak control, health promotion, training and publicity. These tasks remain relatively constant year on year.
- 5.6 The plan also highlights some of the major successes during 2008/9. Some notable examples are
- Improving inspection performance
 - Production of Food and Drink an in house news letter for food business
 - Responding to 1024 requests for service
 - Improving enforcement activity – 12 premises were closed for pest infestation with resulting prosecutions

6 MONITORING THE PLAN

- 6.1 Tower Hamlets is required to review the plan annually, and under current arrangements the review will be reported to Cabinet. Accordingly performance against last year's plan is included in Section 6 of this years' plan.
- 6.2 To ensure quality, apart from the checks built into the plan, the Environmental Health Commercial Team participates in peer review audits and in actively developing the service with other London Boroughs through the North East Sector Food Liaison Group and Association of London Environment Health Managers. The Food Standards Agency is very active in providing seminars, training, advice and support.

7 FINANCIAL IMPLICATIONS

- 7.1 Resources have been prioritised within the Environmental Health Commercial budget to meet the plan outlined in this report.

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 Section 7 of the report confirms that sufficient resources have been prioritised within the service to ensure that performance levels are maintained at a level as prescribed by the Foods Standards Agency. No other specific Financial Implications emanate from this report which seeks Cabinet's agreement to the Food Law Enforcement Plan for 2009/2010.

9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 9.1. Cabinet is asked to consider and adopt the Food Law Enforcement Plan for 2009/2010. The Food Standards Agency ("FSA") requires local authorities to produce such a plan. The FSA is responsible for auditing local authorities' enforcement services as part of its obligations under article 14 of the Official Control of Foodstuffs Directive 89/397 to send to the European Commission annual returns on official food enforcement activities. The adoption of the Food Law Enforcement Plan for 2009/2010 is as part of the auditing and reporting process.
- 9.2. The FSA also works closely with local authorities to ensure that adequate measures are in place to ensure safe food for all. In that regard, the Food Law Enforcement Plan is required to set out the minimum standards of performance expected from the authority across the full range of this authority's enforcement activities. The Food Law Enforcement Plan is based on a template recommended by the FSA and looks at both pro-active work (e.g. routine food hygiene inspections) and re-active work (e.g. responses to consumer complaints). In auditing this plan, the FSA will be able to in turn provide a report that outlines areas where the authority can focus its

efforts on improvements, while also celebrating good practice within the authority.

10 ONE TOWER HAMLETS CONSIDERATIONS

- 10.1 As a result of targeted training the Food Safety function is approaching a workforce to reflect the community, which has led to a multi lingual capability.
- 10.2 The service has procedures and training programmes that promote and deliver equal treatment to all businesses
- 10.3 All high demand business advice is translated into minority languages
- 10.4 The Food Safety sampling programme has focussed on imported foods that are sold to local communities. This is to ensure imported foods are wholesome and safe.
- 10.5 Food Safety activity is focussed on raising the quality of food businesses in the Borough. Raising the quality of businesses will help customers obtain better value for money and help make businesses more profitable.

11 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 11.1 Food businesses are encouraged to reduce food waste and deal efficiently with the waste they do produce.

12 RISK MANAGEMENT IMPLICATIONS

- 12.1 The Council as a Food Authority is required to carry out statutory functions in relation to food safety. The Food Standards Agency are charged with overseeing the activities of Food Authorities and may carry out audits of the authority to ensure it is meeting the requirements of The Standard for Food Services set out in the Framework Agreement and its statutory functions.
- 12.2 Should the Council not fulfil its obligations as specified above, the Food Standards Agency may use its powers to take away the functions of the authority and place them with another authority to exercise them on its behalf.
- 12.3 Further, should the Council not exercise its duties and provide a food safety service there is the potential that both unsafe and unscrupulous activities would go unchecked and unenforced, which may lead to serious food borne illness or disadvantage to the residents, consumers and businesses within the borough.

12.4 The risks above which were significant have now been ameliorated now the review of Environmental Health (Commercial) has been completed. The last round of recruitment has been completed and vacancies have been filled. Before the Service Review took place there was a vacancy rate of 40%

13. EFFICIENCY STATEMENT

13.1 The completion and implementation of the Environmental Health (Commercial) service review has now addressed the over reliance on agency staff. The appointment of full time staff has led to more efficient use of resources. This has resulted to increased levels of pro-active performance in terms of inspections and audits of businesses

**Local Government Act, 1972 Section 100d (As amended)
List of "Background Papers" used in the preparation of this report**

Brief description of "back ground papers"	Name and telephone number of holder and address where open to inspection.
---	---

No background papers

David Tolley x 6724

14. APPENDICES

14.1 The following appendices are attached to this report:-

Appendix 1 – LBTH Food Law Enforcement Plan – 2009/10